

STATE OF NORTH CAROLINA

No.

18-CVS- 210

PERQUIMANS

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name Of Plaintiff

TENA ALEXANDER JONES

Address

City, State, Zip

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

VERSUS

Name Of Defendant(s)

JUSTIN PAUL STANISLAWSKI and WANZEK
CONSTRUCTION, INC.

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

JUSTIN PAUL STANISLAWSKI
1470 Scenic View Dr.
Chaska, MN 55318

Name And Address Of Defendant 2

Corporation Service Company., Registered Agent
WANZEK CONSTRUCTION, INC.
2626 Glenwood Ave., Suite 550
Raleigh, NC 27608

IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

C. Everett Thompson, II/David R. Pureza
Thompson & Pureza, P.A.
101 West Main St.
Elizabeth City, NC 27909

Date Issued

12/17/18

Time

4:41

☐ AM ☒ PM

Signature

Shawn E. Holliman



Deputy CSC



Assistant CSC



Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature



Deputy CSC



Assistant CSC



Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No.: **18-CVS-210**

TENA ALEXANDER JONES,
Plaintiff

VS

JUSTIN PAUL STANISLAWSKI and
WANZEK CONSTRUCTION, INC.,
Defendants.

2018 DEC 17 P 4:41

PERQUIMANS CO., C.S.C.
SCM COMPLAINT

Plaintiff, complaining of Defendants, alleges and says the following:

1. Plaintiff is a citizen and resident of Perquimans County, North Carolina.
2. Upon information and belief, Defendant JUSTIN PAUL STANISLAWSKI ("Defendant Stanislawski") is a citizen and resident of Minnesota.
3. Upon information and belief, Defendant WANZEK CONSTRUCTION, INC., ("Defendant Wanzek") is a North Dakota corporation with its registered office in Roseville, Minnesota. The registered agent listed in the North Carolina office the Secretary of State for Wanzek is Corporation Service Company, registered office 2626 Glenwood Avenue, Suite 550, Raleigh, NC 27608.
4. On or about February 29, 2016, at approximately 5:15 p.m., Plaintiff was the operator of a 2009 Toyota motor vehicle traveling west on NCSR 1336 near Hertford, North Carolina.
5. On said date and time, as Plaintiff was proceeding in her lane of travel, Defendant Stanislawski, operating a 2013 Chevrolet truck, owned by Wanzek, proceeding north on NCSR 1339, failed to yield, attempted to cross over NCSR 1336 and crashed into Plaintiff's vehicle.
6. On this occasion, Defendant Stanislawski owed a duty of care to all other motorists, including Plaintiff, and violated that duty of care and was negligent in the following respects:
 - A. He drove in a careless and reckless manner;

- B. He failed to reduce speed to the extent necessary to avoid a collision with Plaintiff's vehicle;
- C. He failed to keep a proper look-out and keep the vehicle under proper control;
- D. He failed to yield the right of way;
- E. He failed to stop for the stop sign;
- F. He crossed the centerline of the roadway;
- G. He drove into the path of Plaintiff's vehicle; and
- H. In such other respects as may be disclosed by the discovery process.

7. Upon information and belief, at the time of the collision, Defendant Stanislawski was a permissive user of the vehicle owned by Defendant Wanzek.

8. Upon information and belief, at the time of the collision, Defendant Stanislawski was an employee or agent of Defendant Wanzek and at said time and date was in the course and scope of said employment or agency.

9. The negligence of Defendant Stanislawski is imputable to Defendant Wanzek.

10. As a result of the collision, which was proximately caused by the negligence of Defendants, Plaintiff has received serious, painful, disabling, disfiguring and permanent bodily injuries causing medical and other expenses, loss of income and decreased earning capacity. Plaintiff will require future medical care and expenses and has suffered and continues to suffer great pain of body and mind. Plaintiff has sustained special damages in the way of medical expenses, lost income and decreased earning capacity and will incur additional damages in the future.

WHEREFORE, Plaintiff prays that she have and recover of Defendants, jointly and severally, special and compensatory damages in an amount in excess of twenty-five thousand dollars (\$25,000.00); for costs to include prejudgment interest, expert witness fees, and attorney's fees to the extent provided by law; and for such other and further relief as the Court may deem just and proper.

A JURY TRIAL IS HEREBY DEMANDED ON ALL ISSUES OF FACT.

This 17 day of December, 2018.

THOMPSON & PUREZA, P.A.



By: C. EVERETT THOMPSON, II

101 West Main Street

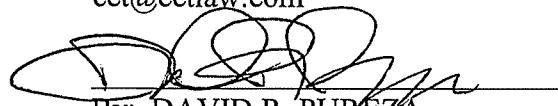
Elizabeth City, NC 27909

Telephone: 252.335.7200

Facsimile: 252.338.5297

NC State Bar #: 5859

cet@cetlaw.com



By: DAVID R. PUREZA

101 West Main Street

Elizabeth City, NC 27909

Telephone: 252.335.7200

Facsimile: 252.338.5297

NC State Bar #: 23502

drp@cetlaw.com

STATE OF NORTH CAROLINA

File No.

18-CVS-211

PERQUIMANS

County

In The General Court Of Justice

☐ District ☒ Superior Court Division

Name And Address Of Plaintiff 1
TENA ALEXANDER JONES

FILED

GENERAL

2018 DEC 17

☒ INITIAL FILING ☐ SUBSEQUENT FILING

CIVIL ACTION COVER SHEET

Rule 5(b), General Rules of Practice For Superior and District Courts

Name And Address Of Plaintiff 2

CONSTRUCTION, INC.

PERQUIMANS

BY *Jett*

Name And Address Of Attorney Or Party, If Not Represented (complete for initial appearance or change of address)

C. Everett Thompson, II
101 West Main St.
Elizabeth City, NC 27909

VERSUS

Name Of Defendant 1
JUSTIN PAUL STANISLAWSKI

Telephone No.
335.7200

Cellular Telephone No.

NC Attorney Bar No.
5859

Attorney E-Mail Address
cet@cetlaw.com

Summons Submitted ☒ Yes ☐ No

☒ Initial Appearance in Case

☐ Change of Address

Name Of Defendant 2
WANZEK CONSTRUCTION, INC.

Name Of Firm
Thompson & Pureza

FAX No.
338.5297

Summons Submitted ☒ Yes ☐ No

Counsel for
☒ All Plaintiffs ☐ All Defendants ☐ Only (list party(ies) represented)

☒ Jury Demanded In Pleading
☐ Complex Litigation

☐ Amount in controversy does not exceed \$15,000
☐ Stipulate to arbitration

TYPE OF PLEADING

(check all that apply)

- ☐ Amend (AMND)
- ☐ Amended Answer/Reply (AMND-Response)
- ☐ Amended Complaint (AMND)
- ☐ Assess Costs (COST)
- ☐ Answer/Reply (ANSW-Response) (see Note)
- ☐ Change Venue (CHVN)
- ☒ Complaint (COMP)
- ☐ Confession Of Judgment (CNJF)
- ☐ Consent Order (CONS)
- ☐ Consolidate (CNLS)
- ☐ Contempt (CNTN)
- ☐ Continue (CNTN)
- ☐ Compel (CMPL)
- ☐ Counterclaim (CTCL) Assess Court Costs
- ☐ Crossclaim (list on back) (CRSS) Assess Court Costs
- ☐ Dismiss (DISM) Assess Court Costs
- ☐ Exempt/Waive Mediation (EXMD)
- ☐ Extend Statute Of Limitations, Rule 9 (ESOL)
- ☐ Extend Time For Complaint (EXCO)
- ☐ Failure To Join Necessary Party (FJNP)

(check all that apply)

- ☐ Failure To State A Claim (FASC)
- ☐ Implementation Of Wage Withholding In Non-IV-D Cases (OTHR)
- ☐ Improper Venue/Division (IMVN)
- ☐ Including Attorney's Fees (ATTY)
- ☐ Intervene (INTR)
- ☐ Interplead (OTHR)
- ☐ Lack Of Jurisdiction (Person) (LJPN)
- ☐ Lack Of Jurisdiction (Subject Matter) (LJSM)
- ☐ Modification Of Child Support In IV-D Actions (MSUP)
- ☐ Notice Of Dismissal With Or Without Prejudice (VOLD)
- ☐ Petition To Sue As Indigent (OTHR)
- ☐ Rule 12 Motion In Lieu Of Answer (MDLA)
- ☐ Sanctions (SANC)
- ☐ Set Aside (OTHR)
- ☐ Show Cause (SHOW)
- ☐ Transfer (TRFR)
- ☐ Third Party Complaint (list Third Party Defendants on back) (TPCL)
- ☐ Vacate/Modify Judgment (VCMD)
- ☐ Withdraw As Counsel (WDCN)
- ☐ Other (specify and list each separately)

NOTE: All filings in civil actions shall include as the first page of the filing a cover sheet summarizing the critical elements of the filing in a format prescribed by the Administrative Office of the Courts, and the Clerk of Superior Court shall require a party to refile a filing which does not include the required cover sheet. For subsequent filings in civil actions, the filing party must either include a General Civil (AOC-CV-751), Motion (AOC-CV-752), or Court Action (AOC-CV-753) cover sheet.

CLAIMS FOR RELIEF

- | | | |
|--|---|--|
| <input type="checkbox"/> Administrative Appeal (ADMA) | <input type="checkbox"/> Limited Driving Privilege - Out-Of-State | <input type="checkbox"/> Product Liability (PROD) |
| <input type="checkbox"/> Appointment Of Receiver (APRC) | <input type="checkbox"/> Convictions (PLDP) | <input type="checkbox"/> Real Property (RLPR) |
| <input type="checkbox"/> Attachment/Garnishment (ATTC) | <input type="checkbox"/> Medical Malpractice (MDML) | <input type="checkbox"/> Specific Performance (SPPR) |
| <input type="checkbox"/> Claim And Delivery (CLMD) | <input type="checkbox"/> Minor Settlement (MSTL) | <input checked="" type="checkbox"/> Other (specify and list each separately) |
| <input type="checkbox"/> Collection On Account (ACCT) | <input type="checkbox"/> Money Owed (MNYO) | prejudgment interest, expert witness fees, |
| <input type="checkbox"/> Condemnation (CNDM) | <input checked="" type="checkbox"/> Negligence - Motor Vehicle (MVNG) | attorney fees |
| <input type="checkbox"/> Contract (CNTR) | <input type="checkbox"/> Negligence - Other (NEGO) | |
| <input type="checkbox"/> Discovery Scheduling Order (DSCH) | <input type="checkbox"/> Motor Vehicle Lien G.S. 44A (MVLN) | |
| <input type="checkbox"/> Injunction (INJU) | <input type="checkbox"/> Possession Of Personal Property (POPP) | |

Date December 17, 2018

Signature Of Attorney/Party 

FEES IN G.S. 7A-308 APPLY

Assert Right Of Access (ARAS)
Substitution Of Trustee (Judicial Foreclosure) (RSOT)
Supplemental Procedures (SUPR)

PRO HAC VICE FEES APPLY

Motion For Out-Of-State Attorney To Appear In NC Courts In A Civil Or Criminal Matter (Out-Of-State Attorney/Pro Hac Vice Fee)

No. ☐ Additional Plaintiff(s)

No. ☐ Additional Defendant(s) ☐ Third Party Defendant(s)

Summons
Submitted

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

Plaintiff(s) Against Whom Counterclaim Asserted

Defendant(s) Against Whom Crossclaim Asserted

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 18-CVS-210

TENA ALEXANDER JONES
Plaintiff

vs.


JUSTIN PAUL STANISLAWSKI and
WANZEK CONSTRUCTION, INC.
Defendants.

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ACCEPTANCE OF SERVICE

The undersigned attorney for defendants respectfully shows the court that he hereby accepts service of said summons and Complaint and does hereby make a general appearance by the undersigned for defendants for all purposes.

This 16th day of January, 2019.



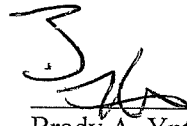
Brady A. Yntema
Goldberg Segalla
Attorney for Defendants
800 Green Valley Road, Suite 302
Greensboro, NC 27408
Phone: 336.419.4904
Fax: 336.419.4950

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served the foregoing by fax or mail as indicated below.

C. Everett Thompson, II
Thompson & Pureza
101 West Main St.
Elizabeth City, NC 27909
Fax: 252.338.5297

This the 16th day of January, 2019.



Brady A. Yntema